

# State of South Dakota

## EIGHTY-NINTH SESSION LEGISLATIVE ASSEMBLY, 2014

228V0042

### HOUSE BILL NO. 1177

Introduced by: Representatives Gosch, Cronin, Dryden, May, Novstrup (David), Olson (Betty), Steele, Stevens, Westra, and Wink and Senators Maher, Brown, Curd, Jones (Chuck), Kirkeby, Peters, and Rave

1 FOR AN ACT ENTITLED, An Act to restrict the regulation by local governments of distracted  
2 or inattentive driving.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 32-14-3 be amended to read as follows:

5 32-14-3. Local authorities, except as expressly authorized by chapter 32-25 and § 32-29-2,  
6 may not alter any speed limitations declared in chapter 32-25 or enact or enforce any ordinance,  
7 charter provision, or bylaw duplicating the provisions of chapter 32-23 ~~or~~. Local authorities may  
8 not enact or, enforce any rule or regulation, or expand any measure so that the measure is  
9 contrary to or at variance with the provisions of chapters 32-14 to 32-19, inclusive, or 32-22 and  
10 32-24 to 32-34, inclusive, except as provided by §§ 32-14-4 and 32-14-5.

11 Section 2. That chapter 32-14 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 No local government or local authority, except as expressly authorized by law, may adopt  
14 or enforce any ordinance or other measure regulating or restricting distracted or inattentive



1 driving by a person who is operating a motor vehicle on a highway if the ordinance or measure  
2 is contrary to or at variance with any provision of state law relating to such activity or if no state  
3 law relating to such activity has been enacted or is in effect.

4 For purposes of this section, the term, distracted or inattentive driving, includes operating  
5 a motor vehicle while using electronic communications devices or electronic messaging,  
6 consuming food or beverages, interacting with passengers, watching television or other  
7 electronic or printed visual media, or engaging in other activity that may interfere with the  
8 ability to focus on driving tasks.